

Please join us for

COCKTAILS & OYSTERS

Saturday, October 3, 2003

5:30-7:30 pm

1991 California, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

Berkeley, California, 94710

and 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

RSVP jim@jim.com

Jen & Jim

Deepak,

Stop by for
a drink.

By the way
Jennifer is living
with me.

Jim



Planning & Development Department
Building & Safety Division
Housing Code Enforcement

PERMIT SERVICE CENTER

JAN 18 2023

RECEIVED BY P.F.

REQUEST FOR SERVICE

Housing Inspection Request

Residential Rental Units

COPY

PROPERTY ADDRESS: 1330 Sixth Avenue

DATE: January 17, 2023

Reported By: ☒ Tenant ☐ Other _____

Name: Deepak Moorjani

Phone: _____

Address: _____ Zip: 947 10

☒ Home ☐ Cell ☐ Office ☐ Other

Email Address: _____

Phone: _____

☐ Home ☐ Cell ☐ Office ☐ Other

☐ Check this box if you are submitting this form in order to have the City verify the accuracy of the representations made by the property owner on the **RHSP Schedule A checklist**. Please attach a copy of the completed **RHSP Schedule A checklist** provided to you by the property owner.

Owner: James Maser (Please review Note 1 on Supplementary Statement)

Phone: 510.713.1300

Address: 1330 Sixth Avenue, Apartment B

☐ Home ☒ Cell ☐ Office ☐ Other

City/State/Zip: Berkeley, CA 94710

Phone: _____

☐ Home ☐ Cell ☐ Office ☐ Other

Email Address: jmaser@berkeley.com

INVESTIGATE:

- | | |
|---|--|
| <input type="checkbox"/> Electric – lights/outlets/switch | <input type="checkbox"/> Plumbing leak |
| <input type="checkbox"/> Elevator operation | <input type="checkbox"/> House sewer blockage |
| <input checked="" type="checkbox"/> Entry door locks | <input type="checkbox"/> Required exit blocked |
| <input type="checkbox"/> Lack of electric service | <input type="checkbox"/> Resident manager (16 or more units) |
| <input type="checkbox"/> Lack of gas service | <input type="checkbox"/> Roof leak |
| <input checked="" type="checkbox"/> Lack of heat | <input type="checkbox"/> Stairs/railing/deck |
| <input type="checkbox"/> Lack of hot water or water service | <input type="checkbox"/> Visible Mold or Mildew |
| <input type="checkbox"/> Lack of working carbon monoxide device | <input type="checkbox"/> Window(s) operation/broken |
| <input type="checkbox"/> Lack of working smoke detector | <input checked="" type="checkbox"/> Other <u>Noise, smoke pollution (H&X Builders)</u> |
| <input type="checkbox"/> Peeling paint | <input checked="" type="checkbox"/> Other <u>Privacy violations (H&X Builders)</u> |

TENANTS ONLY:

Be advised that prior to submittal of the Request for Service, you must certify the following:

☒ I certify in making this complaint that I am the lease holder/tenant at the address that I am reporting.

☒ I certify that I have notified the owner/representative of the problem(s) that I am reporting.

Date Owner Notified: January 16, 2023

Notification Method: ☐ Phone ☐ In-Person ☐ E-mail ☐ Mail ☒ Other Hector Salazar (#313277)

☒ I certify I will allow the owner and/or their representatives, with proper notice as governed by State law, to enter my unit to make all necessary repairs.

Signature: [Signature]

Date: July 17, 2023

White – Case File

Yellow – Complainant

a memo from the desk of
Deepak Moorjani

**City of Berkeley, Housing Code Enforcement
Housing Inspection Request, Supplementary Statement**

to: City of Berkeley, Housing Code Enforcement
cc: Hector Salazar, H&X Builders
cc: Jennifer W. Sherman, The Edible Schoolyard Project
cc: Leah Simon-Weisberg, Berkeley Rent Board
date: Tuesday, January 17, 2023

I would like Housing Code Enforcement to declare my home as unlivable.

H&X Builders' noise and smoke pollution exceeds reasonable levels, and H&X Builders' noise and smoke pollution levels render my home to be unlivable. I have recorded noise pollution levels on each day of construction. Further, I believe that H&X Builders' have violated my right to privacy by making a 12"x12" construction hole in my bedroom closet without my knowledge and without my consent.

- On September 26, 2018, James Maser stated, "This property may contain asbestos." I am concerned that the smoke pollution contains toxic substances (e.g. asbestos, lead-based paint).
- On January 16, 2023, I hand-delivered a cease-and-desist letter to Hector Salazar (License No. 813277) at approximately 10:30am; however, Hector Salazar (H&X Builders) willfully violated the cease and desist letter. Hector Salazar (H&X Builders) continued construction throughout the day, and I will be filing a petition with the Contractors State License Board.
- On January 17, 2023, I discovered a hole in my bedroom closet approximately 12 inches by 12 inches. James Maser (Picante Berkeley) and Hector Salazar (License No. 813277) created this hole without my knowledge and without my consent. The hole directly exposes my bedroom to the commercial operation at 1328 Sixth Avenue, and this hole violates my right to privacy. (Note: Hector Salazar may claim that this space is part of the commercial operation; however, my bedroom closet is only accessible from the residential building, and this bedroom closet houses my hot water heater).

Background

- *James Maser (Picante Berkeley): "I would love to have Jennifer move in, but I don't have room."*

Since March 2022 (approximately), I believe that Jennifer Sherman and James Maser have conducted a systematic campaign of harassment and intimidation to force me to vacate my home involuntarily. This campaign has included numerous violations of Berkeley's Tenant Protection Ordinance, including the use of fraudulent and/or misleading representations, intimidating conduct, and coercive conduct.

I have detailed many of these violations in my petition to the Office of the Attorney General on December 01, 2022. In Berkeley Police's Case Report (2022-00059494), I was charged with battery with bodily injury in a December 20, 2022 incident at my place of residence.

On January 06, 2023, Jennifer Sherman and James Maser removed the deadbolt from the front door of the house. I believe Jennifer Sherman and James Maser's action is another violation of Berkeley's Tenant Protection Ordinance, and I believe this action is related to the facts and circumstances relating to Berkeley Police's Case Number 2022-00059494. This action was witnessed by numerous Picante Berkeley employees (Carlos, Oscar), and Jennifer Sherman and James Maser have declined to reinstall the deadbolt in the front door of the house.

Construction

Note: Hector Salazar (License No. 813277) and his representatives will not be granted authorization to enter my home until (i) the City of Berkeley Housing Code Enforcement have completed their inspection and (ii) Hector Salazar has submitted a remediation plan for noise and smoke pollution to the Berkeley Rent Board.

- On information and belief, Hector Salazar (License No. 813277) and H&X Builders began intense construction at Picante Berkeley on January 10, 2023.
- Neither James Maser nor Picante Berkeley provided advance notice of H&X Builders' construction. Picante Berkeley is located at 1328 Sixth Avenue in Berkeley, California.
- Beginning on January 10, 2023, Hector Salazar's H&X Builders created noise and smoke pollution that exceeded reasonable levels.
- On January 13, 2023, I was forced to evacuate my home, because the smoke pollution was too intense. There are multiple holes in my home which have been created without my knowledge and without my consent, including a hole in my bedroom closet approximately 12 inches by 12 inches.
- On January 15, 2023 in the evening, James Maser (Picante Berkeley) left a letter in front of my home, and James Maser's letter stated, "Construction of the remodel of Picante has begun and will continue for the next several months until it is completed." However, James Maser (Picante Berkeley) failed to provide notification prior to the beginning of construction on January 10, 2023.
- On January 16, 2023, I hand-delivered a cease-and-desist letter to Hector Salazar (License No. 813277) at approximately 10:30am; however, Hector Salazar (H&X Builders) informed me that construction would take 6 months, and Hector Salazar willfully violated the cease and desist letter. Hector Salazar (H&X Builders) continued construction throughout the day, and I will be filing a petition with the Contractors State License Board. January 15, 2022 was a USPS holiday, and I had tried to call Hector Salazar (510.384.9236) as early as 7:10am. However, Hector Salazar's phone stated that he "was not accepting calls at this time." One of my future calls connected; however, Hector's Salazar's voice mailbox is full and is not able to take messages.
- On January 16, 2023, James Maser (Picante Berkeley) retrieved his January 15, 2022 letter in front of my home, and I consider this action to be James Maser's acknowledgement that he received the January 13, 2022 cease-and-desist letter.
- On January 17, 2023, I discovered the hole in my bedroom closet, and I contacted the City of Berkeley's Housing Code Enforcement at 10:30am. On information and belief, Hector Salazar (License No. 813277) and H&X Builders created the hole in my bedroom closet without my knowledge and without my consent, and I would like Hector Salazar to inform the City of Berkeley's Housing Code Enforcement when he created the bedroom closet hole.

Enclosure: Hector Salazar (License No. 813277) cease and desist letter.

References:

- <https://deepak.pe/james-maser-rental-agreement/>
- <https://deepak.pe/hector-salazar-hx-builders-cease-desist/>
- <https://deepak.pe/picante-berkeley-petition-attorney-general/>
- Berkeley Police, Case Number 2022-00059494*

Note 1: On multiple occasions, I have asked James Maser to document his ownership position in 1330 Sixth Avenue, including in my petition to the Office of the Attorney General on December 01, 2022.

In Berkeley Police Case Report (2022-00059494), ~~James Maser was the victim of an~~ with bodily injury in a December 20, 2022 incident at my place of residence. Consequently, James Maser will not be allowed access to my home.

Jennifer Sherman (The Edible Garden Project) should provide the City of Berkeley's Housing Code Enforcement with the facts and circumstances relating to Berkeley Police's Case Number 2022-00059494.

a memo from the desk of
Deepak Moorjani

Cease and Desist: Noise and Smoke Pollution

to: Hector Salazar, H&X Builders
cc: Jennifer W. Sherman, The Edible Schoolyard Project
cc: Leah Simon-Weisberg, Berkeley Rent Board
cc: Picante Berkeley, Attention: Jessica, Mario

date: Friday, January 13, 2023

On information and belief, Hector Salazar (License No. 813277) and H&X Builders began intense construction at Picante Berkeley on January 10, 2023.

Neither James Maser nor Picante Berkeley provided advance notice of H&X Builders' construction. Picante Berkeley is located at 1328 Sixth Avenue in Berkeley, California.

H&X Builders' noise and smoke pollution exceeds reasonable levels, and H&X Builders' noise and smoke pollution levels renders my home to be unlivable. I have recorded noise pollution levels on each day of construction.

On January 13, 2023, I was forced to evacuate my home, because the smoke pollution was too intense. I note that Picante Berkeley's water pipes extend into my home, and these water pipes have not been properly installed. There is a hole extending from the floor of my house into the ceiling of Picante Berkeley's ceiling. I believe that this open hole may constitute a health code violation.

Hector Salazar should submit a remediation plan for noise and smoke pollution to the Berkeley Rent Board. If Hector Salazar fails to comply with this cease and desist, then I will file a petition with the Contractors State License Board.

Hector Salazar should review the following information:

1. <https://deepak.pe/picante-berkeley-petition-attorney-general/>
2. Berkeley Police, Case Number 2022-00059494